

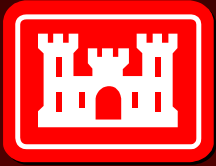
NEPA UPDATE and EMERGING ISSUES

JOHN C. FURRY
Office of Water Project Review
HQ-USACE

RICK BUSH
Ch. Natural & Cultural Resources Analysis Section
New Orleans District

EMERGENCY NEPA PROCEDURES

**Lessons from
HURRICANE SEASON 2005**



**US Army Corps
of Engineers®**

New Orleans District

Hurricanes Katrina & Rita

**FEMA Temporary Housing in Louisiana
& the Corps**

Scope of Problem

- ✓ **2,000,000 people evacuated in Louisiana during Katrina/Rita**
- ✓ **Over 260,000 individuals in New Orleans still displaced; additional 50,000 in other La. Parishes**
- ✓ **191,000 houses/residences Flooded in Louisiana**
- ✓ **323,000 houses with wind and storm (not Flood) damage in Louisiana**

Holly Beach Before



By Arthur Belts / courtesy USACE

Holly Beach After



Downtown Holly Beach



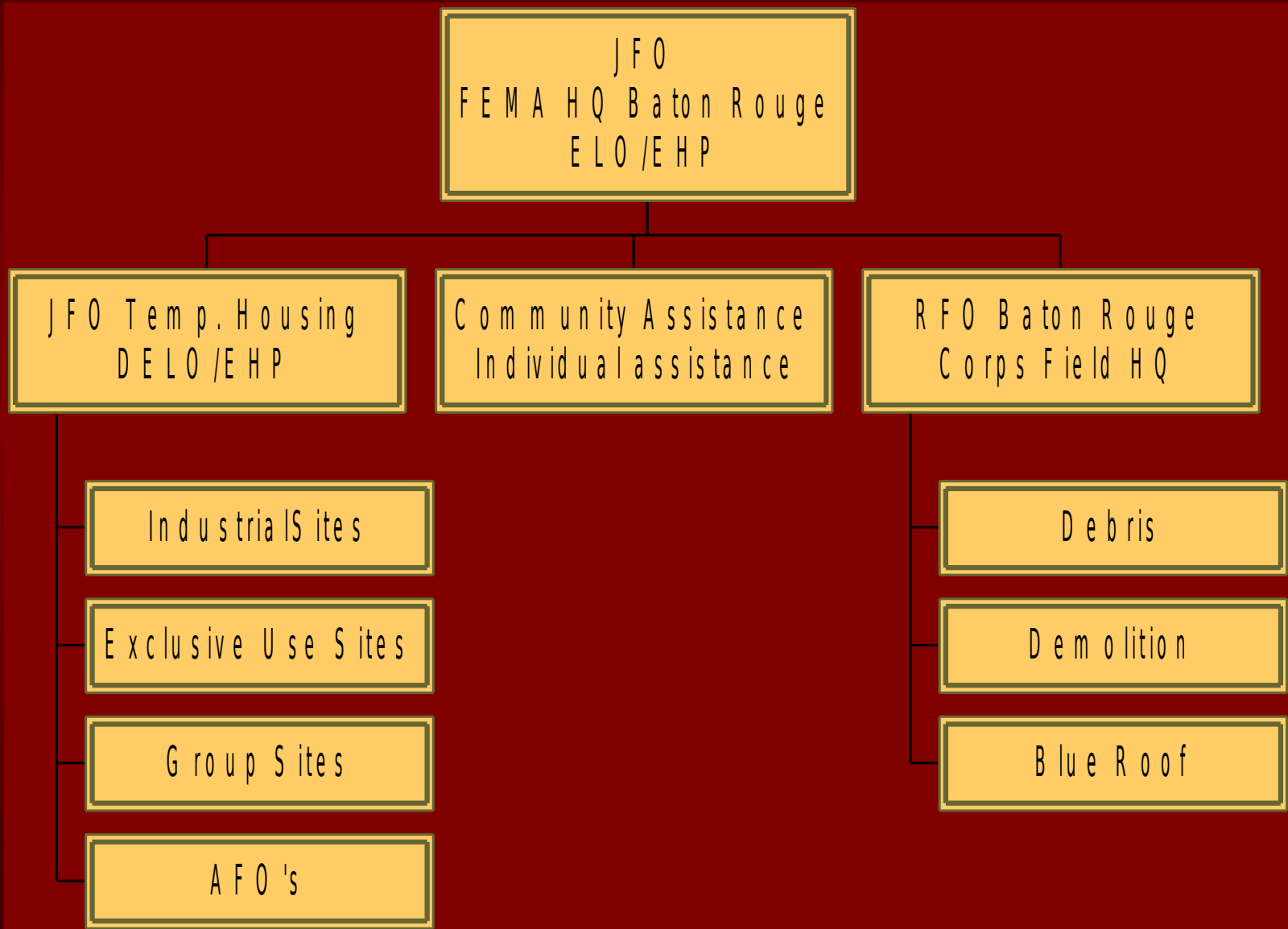
Mission

**Provide temporary
housing for residents
of the storms**

- ✓ **Trailers**
- ✓ **Tents**
- ✓ **Hotels**
- ✓ **Apartments**
- ✓ **Rent subsidies**
- ✓ **Ships**



Program Organization



Temporary Housing Environmental Mission

- ✓ **Provide all environmental/historic preservation compliance activities and approvals for Temporary Housing**
- ✓ **Assess suitability of structures for rehabilitation to support families (motels, hotels, etc.)**
- ✓ **Support other FEMA missions as needed (Debris removal and demolition)**

Staff Composition

28-32 FTE's

- ✓ 7-8 Corps Biologists/Env. Spec.
- ✓ 3 -4 Corps Archeologists
- ✓ 2-4 Contractor Archeologists
- ✓ 2-4 Contractor Biologists
- ✓ 4-6 Contractor NEPA Specialists
- ✓ 2-3 FEMA NEPA Specialists
- ✓ 2-3 FEMA Architectural Historians

- ✓ 2/3 in JFO Baton Rouge
- ✓ 1/3 AFO's in New Orleans and Lake Charles

Supplemented by:

- ✓ *Field contractor, mainly Archeologists and Architectural Historians*

Trailer Sites

- ✓ **Emphasis was placed on group sites ranging from 5- 1000 trailers**
- ✓ **Sites include special groups for exclusive use sites; industrial sites; and sites for families**
- ✓ **Trailers placed at individual homes were not assessed**
- ✓ **Initial order was for 250,000 trailers in Louisiana**
- ✓ **Number of individual sites assessed-over 800**









APR 12 2006



APR 12 2006



04 13 2006 14:48

Timeframes

- ✓ **Signed CATEX - 3-4 Days**
- ✓ **EA's with Signed FONSI - 12-15 Days**
- ✓ **Turnaround on field investigations - 2 Days**
- ✓ **Average time to issue task orders and field an archeology crew - 12 hours**
- ✓ **SHPO review and comments - 1-2 Days**

Key to Success- Pre-agreements

- ✓ **MOA's with ACHP SHPO & THPO- Section 106, 110**
- ✓ **MOA's with USFWS-Threatened and Endangered Species, Coordination Act Reports**
- ✓ **EPA and LA DEQ- HTRW, Clean Water, Clean Air**
- ✓ **USDA- Prime & Unique Farmlands**
- ✓ **LA DNR- CZM**

Conditions Which Allowed for Success

- ✓ **Contracts for Special Services in place**
- ✓ **Logistical support to offices such as SHPO**
- ✓ **All site visits included one archeologist and one biologist**
- ✓ **NEPA documentation specialists compiled all reports**
- ✓ **Expedited Procedures were in place**
- ✓ **Local knowledge of the project areas by New Orleans District personnel**

Special Problems and Constraints

- ✓ **Turnover of key personnel**
- ✓ **Lack of understanding of FEMA regulations**
- ✓ **Shortage of volunteers for TDY**
- ✓ **Role of the Corps**
- ✓ **Relations with Housing Contractors**
- ✓ **Hostile and violent public**
- ✓ **Living conditions**

Where Do We Go from Here?

- ✓ **Develop MOA's for Corps Actions- at Division levels**
- ✓ **Develop Rosters of Suitable Volunteers**
- ✓ **Place Corps cultural resources personnel at JFO and RFO to provide program continuity- to FEMA and Corps EOC's**
- ✓ **Develop contract mechanisms to provide ready response field teams at the District level**

Ineligible FEMA Assistance Applicants





NEPA IMPLEMENTATION UPDATE

CEQ Task Force report “*Modernizing NEPA Implementation*” published in September 2003

Report concluded - NEPA, *per se*, is OK - problem is implementation & insufficient interagency teamwork.

CEQ has established 7 interagency Sub Task Force Groups to deal with CEQ Report recommendations

CEQ Report Recommendations

Adaptive Management and Environmental Management Systems

Aligning NEPA and other Laws

Categorical Exclusions

Collaboration

Environmental Assessments

Programmatic Analyses

Training

REVISING ER 200-2-2

PROCEDURES FOR IMPLEMENTING NEPA

1993 Draft is now old and it needs revisions.

**“Points To Change” Survey sent to enviro
planning leaders**

**Adding Categorical Exclusions is a lengthy
procedure requiring extensive documentation**

**REMINDER: ER 200-2-2 of 4 Mar 88 is not just
Corps Policy
it is codified as 33 CFR 230, it is enforceable as
law - we cannot pick and choose which parts to
follow**

CURRENT LEGISLATIVE INITIATIVES

**Significant Planning Changes in:
WRDA Bills for 2004, 2005 and 2006
Corps of Engineers Modernization & Improvement
Bill**

These bills . . .

- **Prescribed specific means to determine mitigation**
- **Mandated more mitigation before & during construction**
- **Pushed ratio mitigation over case-by-case**
- **Pushed for more monitoring**
- **Required tracking of mitigation status**
- **Called for interagency & NGO collaborative planning councils**

COLLABORATIVE PLANNING

EC 1105-2-404: PLANNING IN A COLLABORATIVE ENVIRONMENT

Working synergistically w/ other agencies to develop basin plans

Requires solutions from the full range of Federal interests, *including those beyond the Corps' limits*

Plan components may be implemented by the Corps, *or other Federal & non-Federal agencies*

Allows Corps to be a team member in other agencies activities, *even when no work by the Corps is expected*

EC does not expand Corps authority to study or implement beyond its current focus in aquatic resources

PROPOSED **CLEAN WATER ACT COMPLIANCE** **RULE**

FR Vol. 71, No. 59 -- Compensatory Mitigation for Losses of Aquatic Resources; Proposed Rule

Watershed approach to improve quality & success of compensatory mitigation for aquatic resource

Establishes standards & criteria for on-site, off-site, in-lieu fee mitigation, and mitigation banking for wetland compensation

Establishes preference for banking and in-lieu fee mitigation

Mitigation requirements to be determined by “appropriate functional assessment method, (e.g.,

WILL THE NEW RULE AFFECT PLANNING?

The rule will not apply to mitigation required for resources, protected by other laws e.g., ESA, NHPA, etc.

Planning ERs & ECs consistent with most points in the Rule

Project mitigation monitoring may continue for many years but the 5-year limit for cost-shared monitoring remains effective

Rule will apply to all actions that may impact aquatic resources *and must be permitted by the Army*

PROBLEMS THAT SIGNIFICANTLY DEGRADE **NEPA DOCUMENTS**

Too Long & Too Expensive/copy

Not Following Format

Purpose & Need

Scoping And Public Involvement

Cooperating Agencies

Environmental Justice

Significant Resources

Inadequate Cumulative Effects

Alternatives Section

Environmental Consequences

Records Of Decision With Missing And Excess Information